

REMARKS

The present amendment is respectfully submitted in response to the Office Action of July 31, 2002 on the above-identified application. Entry of the amendment, and a reconsideration of the claims as amended, by the Examiner are respectfully requested.

It will immediately become apparent to the Examiner that the present application became abandoned on October 31, 2002 for failure to file a response to the Office Action. This amendment is being filed concurrently with a Petition to Revive under 37 C.F.R. § 1.137(b). Also submitted herewith are a Revocation of Power of Attorney and Change of Correspondence Address and a new Power of Attorney, both of which have been signed and dated by the applicant.

Turning now to the Office Action of July 31, 2002, claims 1 through 3, and 6 through 8 are pending in the application, claims 4 and 5 having been previously cancelled. In the action, all six of these claims were rejected on both formal and prior-art bases.

Referring to page 3 of the action, claims 6 through 8 were objected to for the reason given by the Examiner in paragraph 2. Claim 6 has been amended as suggested by the Examiner to overcome this objection to claims 6 through 8.

Further, claims 1 through 8 [sic] were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1 and 6 were both rejected for the same reason on these grounds, and both have been amended in the same way, namely, to recite that the reflective member also has a first end and second end, and that the support member and the reflective member have a plurality of alignable apertures proximate respective said first and second ends. It

is believed that these amendments will serve to overcome these formal rejections of claims 1 and 6, and, by extension, the rejections of claims 2, 3, 7 and 8 which depend from them.

Turning now to the rejections made on the basis of the prior art, claims 1 through 3 and 6 through 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson et al. (U.S. Patent No. 6,260,507) in view of Hodgson et al. (U.S. Patent No. 4,841,654) and Hughes, Jr. (U.S. Patent No. 5,599,132). Before responding to these rejections, it should be noted that the present invention is a reflective warning and locating collar for fire hydrants, pylons and support posts to improve their visibility and identity. The collar has a support member defined by a flexible, extruded web having flanges along its longitudinal edges to define a channel slot for receipt of an elongate flexible reflective member in the form of a web slidably receivable within the channel. The ends of the reflective member have a plurality of alignable apertures for receipt of a fastening means. Claim 1 is directed toward the collar itself, while claim 6 is directed toward a fire hydrant having the collar.

Simpson et al. shows several reflecting collar attachments for fire hydrants. Each includes a reflective web in the form of a color-coded reflective tape placed around the outside of the attachment. Two of the three attachments are of rigid, non-flexible construction, the third is a band which wraps around a flange on a hydrant. The flanges on the band are disposed on either side of the flange of the hydrant when the band is in use. All of the collar attachments lack a channel of the variety recited in the present claims, namely one formed by flanges depending from longitudinal edges of a web and having inwardly turned second flanges parallel to the web. Further, there is no explicit teaching how the reflective web stays in its intended position. As it is described as a tape, one can reasonably conclude that it is adhesive. In any event, it is not an elongate, flexible web slidably receivable and retainable within a channel.

Hodgson et al. shows a variety of headers for in-store displays, not a collar. The headers comprise a lower portion having a flange and an upper portion, also having a flange, which snaps onto the lower portion, forming a channel between the two flanges for a sign. The upper and lower portions are molded, rigid members, as opposed to an elongated, flexible extruded web. One reading Hodgson et al. would be given no motivation to provide such flanges on an elongated extruded member.

Finally, Hughes, Jr. shows reflective bands for roadway barricade barrels. The bands have holes through which fasteners may be passed to fasten the bands to the barrels. Be that as it may, Hughes, Jr. fails to show or suggest what is lacking in the teachings of Simpson et al. and Hodgson et al., namely, "a support member having an elongated, flexible, extruded web having a first side and a second side, defined by two parallel longitudinal edges and a first end and a second end, said web having flanges depending from said longitudinal edges of said first side of said web, said flanges terminating with inwardly turned second flanges parallel to said web thereby defining a channel between said web and said inwardly turned second flanges from said first end of said support member to said second end of said support member".

In view of the above, claims 1 and 6 are respectfully submitted to be patentable over the prior art cited by the Examiner, as are claims 2, 3, 7 and 8, which further limit the subject matter claimed in these claims.

Respectfully submitted,



John F. Gulbin
Registration No. 33,180

212-297-5800
Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311